

Revised March 2021

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----	X	
	:	
Amaury Urena,	:	CIVIL ACTION NO.: 22-CV-04758
	:	
Plaintiff,	:	
	:	
	:	
against	:	
	:	
	:	
City of New York, et al.	:	
	:	
Defendant.	:	
	:	
-----	X	

PROPOSED CASE MANAGEMENT PLAN AND REPORT OF RULE 26(f) MEETING

Court Expectations

Rule 1 and Rule 26(b)(1). Counsel are expected to have reviewed Rule 1 and Rule 26(b)(1) and considered their obligations thereunder in discussing and preparing a discovery plan.

Additional consideration of proportionality. Counsel shall discuss and consider whether phased or iterative discovery will increase efficiency, reduce costs and lead to a faster resolution of the case when preparing a discovery plan.

Document Requests. Counsel shall be fully familiar with their obligations under Rules 34 and 26(g) and consider and discuss ways to ensure compliance and minimize disputes regarding overbreadth and specificity of requests and responses.

Competence. Counsel shall be sufficiently knowledgeable in matters relating to their clients' technological systems to discuss competently issues relating to electronic discovery, or have involved someone competent to address these issues on their behalf.

Counsel are directed to the Model Confidentiality Stipulation and Order and Discussion Topics for Rule 26(f) Conference on Judge Parker's Individual Practices Page.

Counsel represent by their signature below that they have read and will comply with the above.

Revised March 2021

Proposed Discovery Plan

In accordance with Federal Rule of Civil Procedure 26(f) and Judge Parker's Individual Rules, the parties met on January 3, 2023 (at least one week before the Initial Case Management Conference) and are exchanging communications thereafter. At least one week before the Initial Case Management Conference, the parties submit the following report for the Court's consideration:

2. Summary of Claims, Defenses, and Relevant Issues**Plaintiff:**

On April 30, 2022, Plaintiff was placed in segregation in the intake area of AMKC and was left there for approximately 12 hours without access to services or basic necessities. On May 1, Plaintiff was placed on a transport bus to GRVC, where he was forced to remain for another 11-12 hours, while cuffed, and without access to services or basic necessities.

Defendant:

Liberally construed, plaintiff claims deliberate indifference. Plaintiff's complaint alleges that he was held overnight in an intake unit and also held overnight on a bus while handcuffed. The City of New York's defenses include, but are not limited to:

(a) the Complaint fails to state a claim upon which relief may be granted; (b) any claims arising under New York State law may be barred, in whole or in part, for failure to comply with New York General Municipal law § 50(e), et seq.; and (c) some or all of plaintiff's

claims may be barred, in whole or in part, by the Prison Litigation Reform Act, 42 U.S.C. § 1997e, for failure to exhaust his administrative remedies.

3. Basis of Subject Matter Jurisdiction: Federal question

Revised March 2021

4. **Subjects on Which Discovery May Be Needed**

Plaintiff(s):

Plaintiff will require discovery regarding the specifics of his claim, including paper discovery and all relevant ESI/surveillance; policies and procedures of the DOC/City of New York; personnel and disciplinary histories of the involved officers; depositions of involved officers, etc.

Defendant(s):

~~Defendants require discovery on the defendants that plaintiff seeks to sue. Defendants also seek all records related to plaintiff's transfers within the facilities on Riker's Island and all documents related to his current and previous incarcerations.~~
~~Further, defendants also require discovery on the extent and cause of any injuries that plaintiff alleges.~~
Defendants also intend to depose plaintiff.

5. **Informal Disclosures**

The information required by Rule 26(a)(1) of the Federal Rules of Civil Procedure was ***disclosed by Plaintiff(s)*** on _____. In addition, on January 24, 2023, Plaintiff(s) produced/will produce an initial set of relevant documents identified in its Initial Disclosures and will continue to supplement its production.

The information required by Rule 26(a)(1) of the Federal Rules of Civil Procedure was ***disclosed by Defendant(s)*** on _____. In addition, on January 24, 2023, Defendant(s) produced/will produce an initial set of relevant documents identified in its Initial Disclosures and will continue to supplement its production.

6. **Formal Discovery**

The parties jointly propose to the Court the following discovery plan:

All fact discovery must be completed by May 10, 2023.

The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided that the parties meet the deadline for completing fact discovery set forth in 3(a) above.

Revised March 2021

a. Depositions: Depositions shall be completed by ^{April 10, 2023} _____ and limited to no more than 8 depositions per party. Absent an agreement between the parties or an order from the Court, non-party depositions shall follow initial party depositions.

b. Interrogatories: Initial sets of interrogatories shall be served on or before February 9, 2023. All subsequent interrogatories must be served no later than 30 days prior to the discovery deadline.

c. Requests for Admission: Requests for admission must be served on or before April 10, 2023.

d. Requests for Production: Initial requests for production were will be exchanged on February 9, 2023 and responses shall be due on March 11, 2023. All subsequent requests for production must be served no later than 30 days prior to the discovery deadline.

e. Supplementation: Supplementations under Rule 26(e) must be made within a reasonable period of time after discovery of such information.

7. **Anticipated Discovery Disputes**

Are there any anticipated discovery disputes? Does either party seek limitations on discovery? Describe.

There are currently no anticipated discovery disputes. The parties do not currently seek any limitations on discovery other than those proscribed by the Federal Rules of Civil Procedure.

8. **Amendments to Pleadings**

a. Are there any amendments to pleadings anticipated? Yes

b. Last date to amend the Complaint: March 11, 2023

Revised March 2021

Joinder of Parties

c0 Are there other necessary parties that need to be ☒ Yes ☐ No
 d0

c. Last date to join other parties: March 11, 2023

10. Expert Witness Disclosures

At this time, the parties do ☒ do not (circle one) anticipate utilizing experts. Expert discovery shall be completed by N/A.

11. Electronic Discovery and Preservation of Documents and Information

a. Have the parties discussed electronic discovery? No

b. Is there an electronic discovery protocol in place? If not, when the parties expect to have one in place? N/A

c. Are there issues the parties would like to address concerning preservation of evidence and/or electronic discovery at the Initial Case Management Conference?

The parties do not wish to raise any preservation issues.

12. Anticipated Motions

Defendants anticipate filing a motion for summary judgment after the close of discovery.

13. Early Settlement or Resolution

The parties have ☒ have not (circle one) discussed the possibility of settlement. The parties request a settlement conference by no later than March 15, 2023.

Revised March 2021

The following information is needed before settlement can be discussed:

Basic document discovery.

14. Trial

- a. The parties anticipate that this case will be ready for trial by ^{After resolution of dispositive motions} _____.
- b. The parties anticipate that the trial of this case will require 2-3 days.
- c. The parties request a jury/bench (circle one) trial.
- d. The parties consent/do not consent (circle one) to Magistrate Judge jurisdiction at this time.

15. Other Matters

Currently there are no additional issues or informaton to provide.

The parties are advised that they may consent to Magistrate Judge jurisdiction at any time during the case pursuant to 28 USC § 636(c). To consent to Magistrate Judge jurisdiction for all purposes or specific dispositive motions, please utilize the consent form on Judge Parker's Individual Practices Webpage.

Respectfully submitted this 3 day of January, 2023.

ATTORNEYS FOR PLAINTIFF(S):



Stephanie Panousieris
Rickner PLLC

ATTORNEYS FOR DEFENDANT(S):

/s/ Zachary Kalmbach